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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,531	07/09/2001	Brian C. Barnes	2000.054600	7123
23720	7590	04/21/2004	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			BROWN, CHRISTOPHER J	
		ART UNIT	PAPER NUMBER	5
		2134	DATE MAILED: 04/21/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

P26

Office Action Summary	Application	Applicant(s)
	09/901,531	BRIAN C BARNES
	Examiner	Art Unit
	Christopher J Brown	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 July 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-15 and 17-21 is/are rejected.
- 7) Claim(s) 5 and 16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 14 line 12 is missing a closing parenthesis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-10, 11, 12, 18-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stosz US 6,408,179, in view of Hartley US 4,868,863.

As per claims 1, 8, 12, 19, 21 Stosz discloses a hardware unit (radio) adapted to receive an incoming signal over a communications channel (wireless), (Col 7 lines 30-32). Stosz discloses that the radio accepts control codes over the communications channel (messages), (Col 7 line 31). Stosz discloses that the unit communicates with assigned transmission parameters (power, freq, and time slot), (Col 7 lines 33-34).

Stosz does not disclose authentication codes, or security violations.

Hartley discloses a physical layer hardware unit adapted to communicate over a communications channel (phone line), (Col 4 lines 22-24). Hartley discloses communicating with assigned parameters (control code), (Col 2 lines 37-45).

Hartley discloses generating an authentication code (hash or check sum) and transferring the control code and authentication code to the hardware, (Col 3 lines 15-20, Col 9 lines 29-32). If the codes are inconsistent, the hardware signals a security violation (modem turns off), (Col 9 lines 31-33).

It would be obvious to combine the communication system of Stosz with the authentication mechanism of Hartley to prevent message tampering and improve security. As per claims 7, and 18, Hartly discloses that the program generates authentication code based on data (hash, checksum), (Hartly Col 3 lines 15-20).

As per claim 9 Hartly discloses the processing unit comprises a computer, (Col 3 lines 60-65).

As per claim 10 Hartly discloses the processor is coupled to a bus, (Col 3 lines 60-65).

Hartly discloses the physical hardware (modem) can be an expansion card coupled to the bus, (Col 4 lines 21-25).

As per claim 11, and 20, Hartly discloses that the hardware unit is adapted to prohibit at least some communication over the communication channel in response to a security violation, (Col 9 lines 30-34).

Claims 2, 3 and 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stosz US 6,408,179 in view of Hartley US 4,868,863, in view of Spelman US 5,680,458.

As per claims 2, 3, and, 13, 14, Spelman discloses sending an authentication code, hidden, out of band, (Col 4 lines 14-20).

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It would be obvious to one skilled in the art to modify the Stosz-Hartley system with the out of band messaging of Spelman to assure that the message has not been tampered with (Spelman Col 4 lines 31-34).

Claims 4, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stosz US 6,408,179 in view of Hartley US 4,868,863 in view of Mergard US 5,881,248

As per claims 4 and 15, Mergard discloses use of the unused portions of the bus, (Col 1 lines 45-52). It would be obvious to modify the Stosz-Hartley system with Mergard because the utilization of the bus improves performance.

Claims 6, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stosz US 6,408,179 in view of Hartley US 4,868,863 in view in view of Whitmire US 6,115,817

As per claims 6, and 17 Witmire discloses use of cryptography to send data over a network, the recipient decrypts all of the data, including codes, (Col 1 lines 48-60). It would be obvious to modify the Stosz-Hartley system with the cryptography or Witmire to increase security.

Claims 5 and 16 are objected to due to their dependence on independent claims.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is 703-305-8023. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown



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